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Of Attorneys for Defendant Waldo Farnham

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN,

Plaintiff,  
v.

EDWARD GORMLEY, an individual; CITY OF McMINTONVILLE, a Municipal Corporation; CITY COUNTY INSURANCE SERVICES TRUST; ROD BROWN, an individual; PUBLIC SAFETY LIABILITY MANAGEMENT INC., an Oregon corporation; WALDO FARNHAM,

Defendant,

Case No.: 3:06 CV 01594-HU

**DEFENDANT FARNHAM'S  
RESPONSE TO PLAINTIFF'S  
CONCISE STATEMENT OF  
FACTS**

Defendant Waldo Farnham responds to Plaintiff's Concise Statement of Additional Material Facts in Opposition to Defendant Farnham's Motion for Summary Judgment as follows:

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1. Accepts the assertions made in the first two sentences. Denies that the cited evidence supports the assertion made in the third sentence.

2. Accepts.

3. Accepts.

4. Accepts the assertions made in the first and third sentences. As to the second sentence, the cited evidence states that Farnham was told that Full was a bit unstable two to three months after McFarlin's employment with the City ended. Accept the remaining assertions in the paragraph.

5. Accepts.

6. Objects to and, thus, denies the assertions in paragraph 6 because it asserts numerous different "facts" in a single paragraph rather than in separately numbered paragraphs (L.R. 56.1(c)); does not provide page or line number references for the cited Affidavit and exhibits that purportedly support each assertion (*id.*), cites "evidence" that does not support the assertions made, and includes inadmissible legal conclusions.

DATED: November 30, 2007

COSGRAVE VERGEER KESTER LLP

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## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing DEFENDANT FARNHAM'S RESPONSE TO PLAINTIFF'S CONCISE STATEMENT OF FACTS on the date indicated below by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- hand delivery,
- facsimile transmission,
- overnight delivery,
- electronic filing notification;

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

Terrence Kay  
Terrence Kay PC  
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Of Attorneys for Plaintiff

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Of Attorneys for Defendants Gormley and City of McMinnville

DATED: November 30, 2007

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/s/ James M. Maldonado  
James M. Maldonado

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